

TWELFTH DAY.

(Continued.)

(Thursday, January 24, 1929.)

The House met at 9:30 o'clock a. m. and was called to order by Speaker Barron.

MESSAGE FROM THE GOVERNOR.

Mr. Pat Daugherty, secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
Austin, Texas, January 23, 1929.

To the Members of the Forty-first Legislature:

Attached hereto is (1) a tentative contract between the Board of Managers of the Texas State Railroad and the Texas & New Orleans Railway Company; and (2) a proposed bill with reference to the terms of the tentative contract.

You will observe that Article VII of the attached tentative contract provides that "while it is understood and agreed that, under existing laws of the State of Texas, the Managers are authorized and empowered to make and execute this agreement, on account of same being for a period of twenty (20) years, both the Managers and the Company desire ratification by the Texas Legislature before final acceptance by either party."

I am advised by both parties to the tentative contract that they desire your consideration and approval of this contract before it becomes binding upon either party, and it is therefore sent to you for your consideration.

The attached proposed bill was furnished to me by the Board of Managers of the Texas State Railroad, and it also is herewith transmitted for your consideration.

Respectfully submitted,
DAN MOODY,
Governor.

The State of Texas,
County of Harris.

This Agreement, made and entered into this the first day of January, 1929, by and between the Board of Managers of the Texas State Railroad, hereinafter for convenience referred to as "Managers" and acting herein as Party of the First Part, and the Texas and

New Orleans Railroad Company, Party of the Second Part, a corporation created under the laws of the State of Texas, and having its principal office in Houston, Harris county, Texas, and being hereunto duly authorized by legal corporate action, and hereinafter referred to as "Company"; witnesseth:

Whereas, the Managers are vested with and empowered to exercise full and plenary control and management of the Texas State Railroad, which is a line of standard-gauge railroad extending from Rusk, in Cherokee county, Texas, to Palestine, in Anderson county, Texas, with existing tracks, side tracks, spurs, switches and turnouts, stations, buildings, ways and structures, and other facilities used in the operation of said railroad, all of which jointly and severally are owned by and are the property of the State of Texas, and the Managers have and exercise only such authority in regard hereto as is conferred upon them by an act of the Legislature of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature, and approved March 12, 1921, by the Governor of the State of Texas.

Whereas, The Company is the owner of a line of railway extending to the town of Rusk, at which place it connects with the Texas State Railroad, the Texas State Railroad being owner of certain right of way and tracks in and near the town of Rusk, which said Company is now using under grant from the State of Texas, which said grant and the rights of the Railway Company shall be in no wise affected by this agreement, and to more fully describe the property aforesaid, a map marked Exhibit "A," showing the tracks and facilities of said Texas State Railroad in the town of Rusk and in the vicinity thereof, and of the Company, is hereto attached and made a part hereof for description. Those parts of the line's terminal at Rusk on said map marked in red being the property of the State of Texas, those parts marked in yellow being the property of the Company, and those parts marked with broken red and yellow lines being laid with heavy rail the property of the Company, in replacement of light 40-lb. rail, the property of the State of Texas, which therefore, has an equity in said heavy rail equal to the value of the light rail retained by the Company; and

Whereas, The Company is willing to extend operation of its engines, trains and cars upon and over the line of said

Texas State Railroad, its side tracks, spurs and industry tracks upon the granting by the Managers of the rights, and privileges of using for such purpose the line, side tracks, spurs, industry tracks, water stations, terminal facilities and ways and structures and all other facilities except rolling stock and tools of said Texas State Railroad, all of which the Managers are willing to grant upon the terms and conditions hereinafter set forth, so far as they may lawfully do so under the aforesaid act of the Legislature; now, therefore, this agreement witnesseth:

Article I.

In consideration of the covenants, and agreements hereinafter set forth, and upon the terms, stipulations and conditions herein made, and upon conditions of faithful, punctual and efficient performance thereof, the Managers have granted, and by these presents do give and grant to the Company, the right, during the continuance of the term of this agreement, at its own cost and expense to operate its engines, trains and cars on, upon and over the said Texas State Railroad at and between the said town of Rusk and the said town of Palestine, together with the right of using any and all the facilities and appurtenances of the Texas State Railroad at and between said stations of Rusk and Palestine, including the use of all terminal facilities, stations, buildings and grounds incident to the use of or operation of and now belonging to the Texas State Railroad.

Article II.

(a) In consideration of the aforesaid grants, rights and privileges, the Company hereby covenants and agrees that at the times and in the manner hereinafter provided, it will pay to the Managers, fifty (50%) per cent of the net railway operating income earned and received by the Company for the transportation of persons, freight, baggage, express and mail upon and over said tracks of said Texas State Railroad, including all other revenue, if any, which said Company may derive or receive from any source whatsoever, by, through or on account of the use of said Texas State Railroad, property or facilities, or any part thereof, under this agreement.

(b) The Company shall constantly

maintain up to the standards of similarly situated branch lines of Company carrying a similar amount of tonnage, all the roadways, structures, buildings, bridges, terminal facilities, water stations, including the reservoir and main at Rusk full access to and control of which is hereby granted the Company, and other property of said Texas State Railroad in a good and safe condition, and shall operate thereon freight and passenger service adequate to transport all of the business offered; and such maintenance and operation shall continue for the full period of this contract. The Company shall procure and keep in effect, through its own organization or through regularly constituted insurance company, or companies, fire insurance on buildings of the Texas State Railroad with loss payable to itself and the Managers, and the premiums therefor shall be paid out of earnings as an operating expense. In case of fire loss, the insurance collected shall be paid to the Company and used for renewal or replacement of the building damaged or destroyed, and the balance, if any, shall be paid to the Managers. In event the insurance collected for any structure destroyed by fire is insufficient to cover the cost to replace in kind, the Company shall pay the excess cost of such replacement over the amount of insurance collected, and, for the purpose of this agreement, such excess shall be treated as expenses.

(c) Company shall make all tie replacements in said Texas State Railroad with creosoted ties treated with the customary amount of creosote, of the same class and character as may, from time to time, be used by Company in its own branch lines similarly situated and carrying similar amount of tonnage and such tie replacements shall be kept up to standards of Company for its said branch lines.

(d) All repairs and replacements of bridges and foundation timbers for cattle guards of the Texas State Railroad shall be kept up to the same standard of Company for its own branch lines similarly situated and carrying similar amount of tonnage and the materials used in same shall be of creosoted timber treated with the customary amount of creosote of the same class and character as may, from time to time, be used by Company in its said branch lines.

(e) The Company agrees to keep all ditches and cuts cleaned so as to properly drain the said cuts and agrees to maintain the fills and cuts in proper condition and up to the same standards of the Company for its own branch lines similarly situated and carrying a similar amount of tonnage.

(f) The Company will maintain such train service, freight, passenger, baggage, express and mail, as will be sufficient to meet the needs of the communities served and as shall comply with the existing law with respect to such service.

(g) The Managers hereby authorize the Company to lease any of the lands or buildings of the Texas State Railroad, not required for the operation of said railroad, for industrial or other lawful purposes, provided such lease or leases shall terminate with this agreement or on a date prior thereto; all rental collected by Company on account of said leases shall be credited to earnings hereunder.

(h) The Company shall, upon termination of this agreement, return to the Managers, their successors or assigns, the said Texas State Railroad in its entirety in a physical condition comparable with the condition and general state of repair of Company's branch lines similarly situated and carrying a similar amount of tonnage and shall also turn over to the Managers, without charge, except as provided in paragraph (a) of Article III hereof, such additions to and betterments of the State Railroad which may have been made by Company during the term hereof. It is expressly understood that the Company shall maintain the said State Railroad during the latter years of the term hereof, and particularly throughout the last year, in as diligent manner as during any other period of this agreement, and shall return the Railroad in as good a state of maintenance and repair as the Company's branch lines similarly situated and carrying a similar amount of tonnage.

Article III.

(a) In determining the amount of net railway operating income as provided in Article II hereof, the Company agrees that the income account and the expense account shall be kept in accordance with the rules and regulations prescribed for steam railroads by the

Interstate Commerce Commission, and where not inconsistent with those prescribed from time to time by the Interstate Commerce Commission, by the Railroad Commission of the State of Texas; and the net railway operating income of the properties shall be determined accordingly, provided that the cost of improvements made by the Company to the property of the Texas State Railroad which improvements, in the opinion of the Company, may be necessary for economical operation or to promote earnings, shall, for the purpose of this agreement, be treated and considered as expenses in making periodical settlements with the State Railroad as provided in paragraph (f) of this article.

It is distinctly agreed and understood that the Company, except as otherwise provided in this agreement, shall not be called upon or required to participate in the cost of any improvements which, in the opinion of the Company, are not necessary for successful operations or to promote earnings.

(b) Per diem or mileage accruing, under the National Per Diem Rules Agreement, on cars while on the Texas State Railroad shall be charged to expense of operation of the Texas State Railroad properties, except that no per diem or mileage charges shall be assessed against the operation of the Texas State Railroad on any equipment owned by the several corporations comprising the Southern Pacific-Texas and Louisiana Lines. Depreciation and unlocated repairs to equipment used on the Texas State Railroad will be charged as expenses of the joint operations on the Texas State Railroad, on basis of relative miles run by locomotives, passenger, freight and other equipment, on the Texas State Railroad and the Texas and New Orleans Railroad Company.

(c) The Company agrees, however, that in determining operating revenue, there shall be credited to the Managers, no division lower than the present bases of divisions to the Texas State Railroad. Where divisions are now fixed in cents per hundred pounds, they will be adjusted upward or downward from time to time to conform with any rate changes which may occur; division sheets showing divisions referred to are attached hereto marked Exhibit "B" and made a part hereof. On traffic not

presently covered by division sheets, that may hereafter arise or move, the relative proportion of divisions shall not be lower than the divisions which obtain now. The State Railroad shall be credited with its due part of the revenue from all traffic originating at and destined to points on its own line at Rusk, and the present divisions of traffic of the Company into and from Rusk shall be continued, provided, however, that the foregoing shall not apply with respect to business originating at or destined to Rusk, on which said State Railroad now receives no allowance or division.

(d) The station at Rusk has been, and during the term of this contract shall continue to be, jointly operated. Operating expenses on the State Railroad shall, during the term hereof, be charged with its due proportion of the cost of operating, and maintaining said station. Such operating and maintenance charge shall be prorated on the basis of the relative number of pounds of carload and less than carload freight received at and forwarded from said station during each calendar month by the Texas State Railroad and the Texas and New Orleans Railroad Company.

(e) The Company shall not charge to expense of operations of the Texas State Railroad properties, any portion of the Company's overhead expenses or general expense, or the expenses of general offices or general officers, their clerks or attendants, or any other officers or their clerks or attendants above the grade of Division Superintendent. It shall only charge to the expense of the Texas State Railroad its proportionate part of the salary and expenses of the Division Superintendent and others below him in rank, connected with and actively and actually engaged in the operation or maintenance of said properties. The salaries, wages, costs and expenses of all officers and employees, including and below the rank of Division Superintendent, and all train and engine crews, and other persons operating in part upon the line of the Company and in part upon the properties of the Texas State Railroad, shall be prorated on a train mileage basis between the two and so charged to the joint operating account of the Texas State Railroad.

The foregoing paragraph includes the entire division organization of the Company's Beaumont Division or such other

division of Company of which the said State Railroad may, from time to time, form a part but shall exclude and except Company's train dispatchers now located at Houston, Texas, and any and all officers above the rank of Division Superintendent.

(f) During the three-year period of this contract ending December 31st, 1931, the Managers shall be furnished, within thirty (30) days after the end of each calendar month, with a full report of the net railway operating income and expenses for such month, and the same shall be subject to check by such person as the Managers may designate for that purpose, and the person so designated shall be given full, free and unrestricted access to the books, papers, accounts and contracts of the Company, having any relation to the business done by it upon the properties of the Texas State Railroad.

It is understood and agreed that during the said three-year period of this contract, that whenever such monthly report shall, under the terms of said contract, show any amount of money owing to the Board of Managers, payment of such amount of money shall accompany said report; the Company, however, shall have the right to charge against the earnings of any succeeding month or months during the said three-year period the deficit of any previous month or months until such deficit shall have been satisfied. At the close of the three-year period there shall be a full settlement of accounts between the Company and the Texas State Railroad and if, under the terms of this agreement, any moneys are due by the Company to the Texas State Railroad, full settlement thereof shall be made within sixty (60) days after January 1st, 1932, but it is understood and agreed that should the earnings of the property up to and including December 31st, 1931, not be sufficient to satisfy the cost of operations, maintenance and improvements made by the Company, such deficits shall be borne by the Company and the Company shall not have the right to liquidate same from the earnings of any succeeding period, and shall have no claim therefor against the State of Texas, or its Board of Managers.

It is further understood and agreed that after January 1, 1932, one settlement only shall be made each year, the first annual settlement to cover period

January 1, 1932, to December 31, 1932, inclusive, and subsequent settlements to be likewise made at the close of each calendar year, it being expressly understood and agreed that each year's settlement shall be complete and final and any moneys which are due by the Company to the Texas State Railroad shall be paid within sixty (60) days after January 1st, following the close of each year. It is also agreed and understood that should the earnings of the property during each calendar year after January 1, 1932, not be sufficient to satisfy the cost of operations, maintenance and improvements made by the Company, such deficits shall be borne by the Company and the Company shall not have the right to liquidate same from the earnings of any succeeding period.

It is distinctly understood that neither the State of Texas nor the Board of Managers shall be charged at any time with any deficit from operation or maintenance of said property, nor on account of any expense whatsoever in connection with said property arising from any cause whatsoever. All deficits shall be borne by the Company provided there is a deficit at the end of the said three-year period and at the end of each succeeding one-year period thereafter.

(g) Neither the State of Texas nor the Managers shall be liable for any damage, loss or injury to persons or property that may in any way result from the use of said railroad properties by said Company, or its wrong or negligence, during the continuance of this contract; and full responsibility for same is assumed and shall be met by said Company, provided, however, that said Company may take such damage loss or injury and claims and judgments paid by it in settlement thereof, into account in arriving at the net railway operating income under this contract.

Article IV.

It is agreed and understood that the Managers will not grant to any other persons, firm or corporation, or association of persons, the right to operate trains over the Texas State Railroad. If for any reason under special conditions the Managers shall desire to operate a train or any engine or cars over said property or any part thereof, for the purpose of inspection, the Managers shall have that privilege, at their own

cost and expense, and wholly at their own risk, but without any payment therefor, and without being charged with any part of the cost of maintenance or other charge in connection with said properties. The Company will furnish free to the Managers and to such persons as they may designate for that purpose, such transportation as may be reasonably necessary for the purpose of inspecting said properties of the Texas State Railroad, and as may not be forbidden by law. The Company shall not have the right or power, without the written consent of the Managers, to grant to any other person, firm or corporation the right to operate trains or engines or cars over said tracks, except in cases of emergencies, in which event, it shall fix the revenue to be derived from such privilege and it shall be accounted a part of the earnings, under this contract.

Article V.

The Managers make no representation as to the condition of said properties nor any part or portion thereof. The Company shall receive the same upon its own inspection and upon its own responsibility. The Managers are acting herein solely under the act of the Texas Legislature above referred to, and they shall never be held personally liable for anything whatsoever in connection with the contract, or with the operation of the trains, engines or cars over the properties of the Texas State Railroad by the Company or by another acting under its authority or with its license, nor for any other matter or thing whatsoever in connection with the operation or use of said State Railroad.

Article VI.

This contract shall not include the use, possession or control by the Company of any locomotives, engines, cars, equipment, rolling stock or tools of any character whatsoever owned by the State, all of which are expressly retained and reserved by the Managers.

Article VII.

While it is understood and agreed that, under existing laws of the State of Texas, the Managers are authorized and empowered to make and execute this agreement, on account of same being for a period of twenty (20) years, both the Managers and the Company

desire ratification by the Texas Legislature before final acceptance by either party. Therefore, subject to ratification by the said Texas Legislature and approval by the Interstate Commerce Commission, this agreement shall be binding upon the Board of Managers, their successors in office and upon the State of Texas and such officers and agencies of the said State as may from time to time be charged with the supervision or other duties with respect to the said Railroad, and upon the Company, its successors and assigns and shall become effective on January 1, 1929, and shall continue in full force until December 31, 1948, and thereafter until either party gives to the other one year's written notice of its desire to terminate same.

In Testimony Whereof, the parties to this instrument have executed it in triplicate on the day and the year first above written.

BOARD OF MANAGERS, TEXAS
STATE RAILROAD.

LYNCH DAVIDSON,
(Chairman.

J. A. GREEN,
Member.
.....
Member.

TEXAS & NEW ORLEANS RAIL-
ROAD COMPANY.

G. S. WAID,
Vice-President and General
Manager.

Attest:

J. P. SMITH,
Secretary, Board of Managers.

Approved as to Form:

BAKER, BOTTS, PARKER &
GARWOOD,
General Counsel, T. & N. O. R. R. Co.

Attest:

G. R. COTTINGHAM,
Secretary, T. & N. O. R. R. Co.

Approved this the.....day of
....., A. D. 1929.

(Seal)

By the Governor.

.....
Governor of Texas.

.....
Secretary of State.

Exhibit "B."

"SOUTHERN PACIFIC LINES."

Galveston, Harrisburg & San Antonio Railway Company.

Texas and New Orleans Railroad Company.

Houston and Texas Central Railroad Company.

Houston, East and West Texas Railway Company.

Houston and Shreveport Railroad Company.

Division Sheet No. 759-C

(Cancels D/S No. 759-B)

Applying on all Traffic Interchanged with the

TEXAS STATE RAILROAD

via

Rusk, Texas.

Issued September 20, 1920.

Effective August 26, 1920.

Issued under authority of Interstate Commerce Commission in Ex Parte No.
74, and Case No. 11764.

Proportions in Cents per 100 Lbs., except as stated.

Item No.	Description	Texas State Railroad		So. Pac. and Connections
		Col. 1	Col. 2	
5	All less carloads—1st class	34.5	35.0	Balance
	All less carloads—2nd class	30.5	31.0	
	All less carloads—3rd class	26.5	27.0	
	All less carloads—4th class	24.0	24.5	
10	All carloads, except as below	6½	7	Balance
15	Brick, all kinds, carloads	3½	3½	Balance
20	Cement, carloads	5½	5½	Balance
25	Cement Plaster, carloads	4½	4½	Balance
30	Coal and Coke, carloads, from beyond Texas	54 cts.	per ton	Balance
35	Coal and Coke, carloads (Texas)	73½ cts.	per ton	Balance
40	Cotton and Cotton Linters (any quantity)	27	27	Balance
45	Cotton Seed, carloads	5½	5½	Balance
50	Cotton Seed Cake, Meal and Hulls, carloads	4	4	Balance
55	Grain and Grain Products, carloads	7	7	Balance
60	Hay, carloads	7	7	Balance
65	Lime, carloads	6	6	Balance
70	Oil (Crude and Fuel), carloads	5½	5½	Balance
75	Oil (Coal and Gasoline), carloads (from Texas)	10½	10½	Balance
80	Pig Iron, carloads	6½	7	Balance
85	Live Stock, carloads	\$16.50 per car	\$17.00 per car	Balance
90	Salt, carloads	6	6	Balance
95	Fruits and Vegetables, viz: Melons and Potatoes, carloads	10½	11	Balance
	Vegetables (except Potatoes), carloads	13½	13½	
	Peaches, carloads	10½	11	
	Berries, carloads	20	20½	
100	Lignite, carloads	33½ per ton	34 per ton	Balance
105	Wood, carloads	66½ per	67½ cord	Balance
110	Sand, Stone and Gravel, carloads	2½	2½	Balance
115	Fertilizers, carloads	3½	3½	Balance
Item No.	Description	Texas State Railroad		So. Pac. and Connections
120	Forest Products, Lumber, Etc., Carloads: A To Mississippi River Crossings and points east thereof	4		B A L A N C E
	B To points beyond Texas—west of Mississippi River	4½		
	C To Texas Gulf Ports, Domestic, Export or Coastwise	4½		
	D To other Texas points reached by the rails of I.-G. N., St. L. S. W. or S. P. Lines and when routed via said lines direct	7½		
	E To all other Texas points beyond said lines	7½		

Column No. 1—Figures apply to traffic to or from territory east of the east bank of the Mississippi River and east of Illinois-Indiana State Line and east of Lake Michigan, and also on Texas Intrastate Traffic covered by Texas Lines' Tariffs Nos. 17—series on Cotton, 22—series on miscellaneous commodities and 36—series on Lumber traffic, or reissues.

Column No. 2—Figures apply to traffic to or from territory Mississippi River points (both banks), points in Illinois and Michigan (west of Lake Michigan) and territory west thereof, including Texas Intrastate Traffic not covered by the above named tariffs.

Item No. 125.

Basis shown above will not apply on Rusk, Texas, traffic.

Item No. 130.

Proportions named will not apply when they exceed current local rates.

Item No. 132.

Where rates are made combination of locals same will divide as made.

Item No. 135.

It is also understood that basis shown applies to existing rates; therefore, is subject to revision in the event of subsequent changes in rates.

Item No. 140.

Referring to adoption Notice No. 1, I. C. C. No. 1271, R. C. of Texas No. 82—Rates and Divisions previously operating over the State Railroad.

On all interstate traffic to or from points on the T. & N. O. R. R. Co., Rusk Branch, North Rusk to Palestine, inclusive, previously operated as Texas State Railroad Stations, divisions will be made by retaining for the T. & N. O. R. R. same per cents as are applicable to Rusk, Texas, where percentages apply and where mileage pro rate governs actual mileage to or from actual origin or destination point governs.

On Texas intrastate traffic regular mileage scale of per cents will apply, using mileage to or from actual origin or destination point. Individual division sheets will be amended as soon as possible.

Authority No. 908.

SENATE BILL NO. 69 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading.

S. B. No. 69. A bill to be entitled "An Act to provide for the extension of the term of oil and gas permits Nos. 11652, 11653, 11655, 11680 and 11681, from a period of two years to a period of five years from their respective dates."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 69 ON THIRD READING.

Mrs. Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112.

Mr. Speaker.	Finlay.
Ackerman.	Forbes.
Adkins.	Fuchs.
Albritton.	Gerron.
Anderson.	Gilbert.
Avis.	Graves
Baker.	of Williamson.
Baldwin.	Graves of Erath.
Barnett.	Hardy.
Bateman.	Harding.
Bond.	Harper.
Bounds.	Hefley.
Bradley.	Hines.
Brice.	Hogg.
Carpenter.	Holder.
Chastain.	Hopkins.
Coltrin.	Hubbard.
Cox of Navarro.	Johnson
Cox of Lamar.	of Dimmit.
Cox of Limestone.	Johnson of Smith.
DeWolfe.	Johnson of Scurry.
Dunlap.	Justiss.
Enderby.	Keller.
Ewing.	Kennedy.
Finn.	Kincaid.

Kinnear.	Reid.
Lee.	Renfro.
Lemens.	Richardson.
Long of Wichita.	Rountree.
Loy.	Shaver.
Mankin.	Shelton.
Martin.	Sherrill.
Maynard.	Shipman.
McCombs.	Simmons.
McDonald.	Sinks.
McGill.	Smith.
Mehl.	Speck.
Metcalfe.	Stephens.
Minor.	Stevenson.
Montgomery.	Storey.
Moore.	Tarwater.
Morse.	Thompson.
Mullally.	Turner.
Murphy.	Van Zandt.
Negley.	Veatch.
Nicholson.	Waddell.
O'Neill.	Walters.
Palmer.	Warwick.
Pavlica.	Webb.
Petsch.	White.
Pool.	Wiggs.
Pope of Jones.	Williams
Pope of Nueces.	of Sabine.
Prendergast.	Williams
Purl.	of Hardin.
Quinn.	Woodall.
Ray.	Woodruff.
Reader.	Young.

Nays—2.

Brooks. Keeton.

Present—Not Voting.

Mauritz.

Absent.

Beck.	Land.
Conway.	Long of Houston.
Davis.	McKean.
Duvall.	Mosely.
Eickenroht.	Olsen.
Gates.	Sanders.
Giles.	Savage.
Harman.	Snelgrove.
Harrison.	Strong.
Heaton.	Thurmond.
Jenkins.	Tillotson.
Jones.	Westbrook.
Kemble.	Williams
King.	of Travis.

Absent—Excused.

Acker.	Patterson.
Hornaday.	Rogers.
Kayton.	Wallace.
Kenyon.	

The Speaker then laid Senate bill No. 69 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—103.

Mr. Speaker.	Mauritz.
Ackerman.	Maynard.
Adkins.	McCombs.
Albritton.	McGill.
Anderson.	Mehl.
Baker.	Metcalfe.
Barnett.	Minor.
Bateman.	Montgomery.
Bond.	Moore.
Bounds.	Morse.
Bradley.	Murphy.
Brice.	Negley.
Brooks.	Nicholson.
Chastain.	Palmer.
Coltrin.	Pavlica.
Cox of Navarro.	Petsch.
Cox of Lamar.	Pope of Jones.
Cox of Limestone.	Pope of Nueces.
DeWolfe.	Prendergast.
Enderby.	Purl.
Ewing.	Quinn.
Finn.	Ray.
Finlay.	Reader.
Forbes.	Reid.
Gerron.	Renfro.
Gilbert.	Richardson.
Graves	Rountree.
of Williamson.	Sanders.
Graves of Erath.	Savage.
Hardy.	Shaver.
Harding.	Sherrill.
Harper.	Shipman.
Harrison.	Simmons.
Heaton.	Sinks.
Hefley.	Snelgrove.
Hines.	Speck.
Hogg.	Stephens.
Holder.	Storey.
Hopkins.	Thompson.
Hubbard.	Turner.
Johnson	Van Zandt.
of Dimmit.	Waddell.
Johnson of Smith.	Walters.
Johnson of Scurry.	Warwick.
Justiss.	Webb.
Keeton.	White.
Kennedy.	Wiggs.
Kincaid.	Williams
Kinnear.	of Sabine.
Lee.	Williams
Loy.	of Hardin.
Mankin.	Woodall.
Martin.	Woodruff.

Absent.

Avis.	Dunlap.
Baldwin.	Duvall.
Beck.	Eickenroht.
Carpenter.	Fuchs.
Conway.	Gates.
Davis.	Giles.

Harman.	O'Neill.
Jenkins.	Pool.
Jones.	Shelton.
Keller.	Smith.
Kemble.	Stevenson.
King.	Strong.
Land.	Tarwater.
Lemens.	Thurmond.
Long of Houston.	Tillotson.
Long of Wichita.	Veatch.
McDonald.	Wallace.
McKean.	Westbrook.
Mosely.	Williams
Mullally.	of Travis.
Olsen.	Young.

Absent—Excused.

Acker.	Kenyon.
Hornaday.	Patterson.
Kayton.	Rogers.

RELATING TO HOUSE BILL NO. 162.

By unanimous consent of the House the Engrossing Clerk of the House was authorized to make the following change in House bill No. 162:

On page 3, line 20, the word "regular" was changed to the word "regulated," the same being a typographical error.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 338, "An Act providing for a more expeditious manner of ascertaining the returns of any special election held for the office of Representative or Senator in any district, and providing for the early making of returns therefrom and an immediate issuance of a certificate of election, and declaring an emergency."

S. C. R. No. 4, Relating to investigating the General Land Office and certain other departments.

S. B. No. 69, "An Act to provide for the extension of the term of oil and gas permits Nos. 11652, 11653, 11655, 11680 and 11681, from a period of two years to a period of five years from their respective dates."

MESSAGE FROM THE GOVERNOR.

Mr. Pat Daugherty, secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the

Governor, which was read to the House, as follows:

Executive Office,
Austin, Texas, January 24, 1929.

To the Honorable Members of the Forty-first Legislature:

Attached hereto is a copy of the report of Messrs. Wm. A. Black of Bexar county, and H. T. Brown of Cherokee county, President and Secretary, respectively, of the Board of Managers of the State Iron Industries located near Rusk in Cherokee county, Texas.

This report is transmitted to you for your consideration, and for the enactment of such laws as you may think proper and necessary for the preservation and development of the State properties controlled by this Board.

Respectfully submitted,
DAN MOODY,
Governor.

To the Honorable Dan Moody, Governor of Texas, and Forty-first Legislature:

The Thirty-ninth Legislature, in Regular Session, enacted a law providing for the creation of a Board of Managers for the State Iron Industries located near Rusk, Cherokee county, Texas. (Said act is found on page 261 of the Acts of the Thirty-ninth Legislature.) The act provides that said Board shall be composed of three members as follows: The Senator from the Third Senatorial District and the Member of the Legislature from Cherokee county, shall constitute two members of the Board and the third member shall be appointed by the Lieutenant Governor. By virtue of the act, the late Senator I. D. Fairchild and H. T. Brown, Member of the Legislature, were members of the Board and Lieutenant Governor appointed Hon. W. A. Black of San Antonio as the third member.

In the organization of the Board, Hon. W. A. Black was made Chairman and H. T. Brown secretary. The secretary was instructed to gather all the data and information available for the Board actions. Without going into needless details of our activities, we beg to submit to you this our final report inasmuch as the Board will of necessity have two new members, in event it should continue to function:

Our first efforts were to get the properties transferred from the Board of Prison Commissioners to the Board of Managers for the State Iron Industries. After some delay, the transfer was

made. Your Board found a very poor record of the lands belonging to the State in Cherokee county, but from the records turned over to us by the Prison Commissioners and from the records in the office of the county clerk of Cherokee county, we find that the State owns 4047 acres of land in Cherokee county, near the towns of Rusk and Maydelle. A list of said lands is herewith attached.

At the same session of the Legislature which provided for the creation of the Board of Managers for the State Iron Industries, an act was passed setting aside to the A. and M. College so much of the lands in and near Maydelle as was deemed necessary by the A. and M. College for the purpose of reforestation. In compliance with that act some 2000 acres has been set aside for that purpose in and near the town of Maydelle.

It is the opinion of this Board that the holding of so much property by the State in so small a community as Maydelle is a great injustice to the community and a great handicap to its development. It occurs to us that 200, or 300 acres of land would serve the same purpose for reforestation as the 2000, and if in your judgment you believe that the program of the A. and M. College would not be hurt, we recommend that the major part of this land be sold to home owners in order that this community may develop and this property placed on the tax rolls. But in event this is not done, we recommend that the State pay to the Maydelle community a fair amount of taxes on this land for school purposes. We further find that there is nothing of record, so far as we could locate, legally setting aside any definite land to the Insane Asylum at Rusk, Texas. We therefore recommend that the Fortieth Legislature, by legal act, set aside so much and specific lands to the Rusk Insane Asylum as in the judgment of the Board of Control is needed by said institution and that this be made a matter of record in the deed records of Cherokee county, Texas, and of the Board of Control.

Our main duties were centered around the obligation due the State from the sale of the old furnace located at Rusk, Texas, and some lands in connection therewith. There are several acts of the preceding Legislature dealing with this sale and the extension of the notes due the State. The papers in connection with this matter are now in the hands of the Attorney General of Texas. We find, however, that the property

now belongs to the Cherokee Development Company, Inc., with head offices at Beaumont, Texas, and composed of John L. Keith as president and others. There are two notes due the State by this company in the sum of \$28,000 each, with interest due for several years. After going into the matter thoroughly, your committee believes that this is a just, valid and legal obligation due the State and should be collected.

We made every effort possible, it seems, to collect this indebtedness. We succeeded in collecting \$1,687.50 interest on one note. The committee made no promise or obligated itself in no way to make this collection. H. T. Brown individually promised the attorneys for the Cherokee Development Company, B. B. and James I. Perkins, of Rusk, Texas, that if the interest was paid and the other note paid off in full the old furnace at Rusk put in operation at once, that he, H. T. Brown, would recommend to the other members of the committee and to the Legislature the cancellation of one of the notes. But neither of the conditions were complied with by the Cherokee Development Company, Inc. All other methods failing, we, your committee, just prior to the death of the late Senator I. D. Fairchilds, instructed the Attorney General to bring suit for the collection of the balance due the State. The suit was filed and is now pending in the District Court of Travis county.

Your committee has gone into the grounds of defense filed by Perkins & Perkins of Rusk for the Cherokee Development Company, and are of the opinion that it is without any merit whatever. The property was sold and purchased in good faith and in our judgment the State of Texas is justly due two notes with interest in the sum of \$56,000. The State has a good bond and a judgment would be good for the obligation.

The Cherokee Development Company, Inc., not only owns the State lands, or mineral rights thereon, but has bought in fee or leased the greater part of all other desirable iron ore lands in Cherokee county. Their blocking of their lands are such that no other person or company can develop the iron industry in this section in competition to this company; in other words, the other ore lands and their interest are at the mercy of this company. The company has good holdings in this county. They bought from the State 120 acres of land adjacent to the Insane Asylum at Rusk

and own some 8 or 10 good dwelling houses. The old furnace. At the time the company took charge of the furnace it was in good condition, but at the present it is run down and much valuable property has been moved therefrom since the State sold it.

Since the Cherokee Development Company, Inc., has denied the legality of the debt due the State, that the suit now on file be prosecuted and that judgment be taken for the entire amount of the outstanding notes, with the interest.

If this committee can give any further

information relative to any of its activities, we will be glad to do so by letter or in person.

There is to the credit of the committee \$838.60 in the Citizens State Bank at Rusk, Texas. The total expenses of this committee was \$848.90 as per itemized statement herewith attached.

Respectfully submitted,

WM. A. BLACK,

President of Board.

H. T. BROWN,

Secretary of the Board.

State of Lands Belonging to the State of Texas, Cherokee County.

	Acres.
Abstract No. 3, Wm. Barles League:	
Vol. H, No. 2, page 174, G. W. Copeland to State.....	488
Vol. H, No. 2, page 362, C. B. Raines et al.	
Vol. H, No. 2, page 366, C. R. Raines, GDN.....	671
	<hr/>
	1159.
Vol. 21, page 55, sold to L. G. Guinn.....	100
Vol. 27, page 621, sold to W. H. Reeves.....	100
	<hr/>
	200
	<hr/>
	959
Abstract No. 61, J. Ainsworth Survey:	
Vol. 31, page 314, Callic & S. E. Stovall.....	50
Abstract No. 114, G. W. Brazier Survey:	
Vol. H, No. 2, page 443, R. J. Rickets and wife.....	160
Abstract No. 239, T. M. Dement Survey:	
Vol. 30, page 18, F. B. Williams.....	160
Vol. 31, page 314, Callie & S. F. Stovall.....	160
	<hr/>
	320
Abstract No. 104, J. R. Blanton Survey:	
Vol. R, No. 2, page 225, T. Y. T. Jameson and wife.....	5
Abstract No. 256, W. M. Evans Survey:	
Vol. 28, page 158, Pearl E. & H. A. Turner.....	320
Abstract No. 462, D. Joslin Survey:	
Vol. H, No. 2, page 365, C. B. Raines et al.	
Vol. H, No. 2, page 366, C. B. Raines, GDN.....	147
Vol. O, No. 2, page 292, Ellis & Cunningham.....	30½
	<hr/>
	174½
Abstract No. 486, J. Keenan Survey:	
Vol. 27, page 438, J. A. Randolph.....	351
Abstract No. 551, J. M. Miller Survey:	
Vol. T, No. 2, page 100, R. H. Guinn.....	112
Vol. 1, page 177, New Birmingham & L. Co.....	138.3
	<hr/>
	250.3
Abstract No. 647, S. Nelson Survey:	
Vol. 27, page 596, J. O. Mathews et al.....	493.7
Abstract No. 716, A. Pratt Survey:	
Vol. 1, page 177, New Birmingham & L. Co.....	21
Vol. No. 2, page 560, Mrs. S. J. Guinn.....	20.8
	<hr/>
	41.8

Abstract No. 779, J. W. Spillers Survey:	
Vol. 27, page 599, Susan Spofford, by Admr.....	494
Abstract No. 887, R. Walters Survey:	
Vol. 1, page 177, New Birmingham I. & L. Co.....	157.65
Abstract No. 931, A. H. White Survey:	
Vol. H, No. 2, page 179, T. Y. T. Jameson and wife.....	11.8
Vol. J, No. 2, page 322, T. Y. T. Jameson and wife.....	12.5
Vol. O, No. 2, page 292, Ellis & Cunningham.....	25
Vol. O, No. 2, page 294, T. Y. T. Jameson and wife.....	38
Vol. O, No. 2, page 298, T. Y. T. Jameson and wife.....	1
Vol. R, No. 2, page 225, T. Y. T. Jameson and wife.....	170.8
Vol. Z, No. 2, page 560, Mrs. S. J. Guinn.....	10.7
	<hr/> 269.8
Total	4047
Ore and Mineral Rights:	
G. W. Taylor.....	270 acres
T. E. Wiggins	100 acres
G. W. Copeland.....	85.5 acres
W. W. Lewis.....	130 acres
W. W. Lewis.....	130 acres
R. H. Guinn.....	61.2 acres
R. H. Guinn.....	44.5 acres

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 24, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

S. B. No. 75, A bill to be entitled "An Act to amend Articles 4513, 4514, 4516 and 4523, Chapter 7, Revised Statutes of Texas of 1925, providing for the appointment of a Board of Nurse Examiners; prescribing their qualifications and duties; providing how meetings of said board shall be called; providing for the appointment of an educational secretary and prescribing her qualifications and duties; and providing for the issuance of temporary permits to graduate nurses under certain conditions, and prescribing the fee to be paid therefor."

H. B. No. 23, A bill to be entitled "An Act to create Hidalgo County Water Improvement District No. 5, in Hidalgo county, Texas, into a water control and improvement district, without changing the name of said district; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Article 3, Section 52, of the Constitution."

S. B. No. 110, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas of 1925 so as to provide that private corporations may be formed for any lawful purpose or purposes, except as specified in this act, and providing that nothing in this act shall be held to repeal or amend any general law of the State, other than Article 1302 pertaining to the creation of corporations and powers, duties and limitations thereof, or to repeal any law that forbids the creation of any corporation and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes any purpose for which corporations may be created under the general laws of this State, other than Article 1302, and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes the practice of law or the practice of any of the healing arts and sciences, and providing that all corporations created under this act shall be required, after filing their charters with the Secretary of State, to record the same at length in the principal office of the corporation and shall have such charter recorded in full in the records of the county clerk of the county in which such corporation has its principal office before such corporation shall do any business in this State, and providing that

all amendments to such charters shall be recorded in like manner; and declaring an emergency."

S. C. R. No. 11, Memorializing Congress of the Texas Legislature favoring a fair and adequate tariff rate on all products of farm and ranch.

Respectfully,

MORRIS C. HANKINS.

Assistant Secretary of the Senate.

SENATE BILL NO. 174 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading.

S. B. No. 174. A bill to be entitled "An Act providing for the office of district attorney in the Second Judicial District of Texas, and declaring an emergency."

The bill was read second time.

(Mr. Storey in the chair.)

Mr. Williams of Travis offered the following amendment to the bill:

Amend Senate bill No. 174 by striking out all of lines 31, 32 and 33, page 1, and inserting in lieu thereof the following:

"The county attorneys of the respective counties in said district shall perform the duties of district attorney in their respective counties until January 1st, 1931, and until a district attorney may be elected at the general election in 1930."

Signed — Patterson, Williams of Travis.

(Mr. Minor in the chair.)

Mr. Woodruff raised a point of order on further consideration of the bill at this time, on the ground that the bill proposes a special act and that under the provisions of Section 57, Article III, of the Constitution, it is not properly before the House.

The Speaker overruled the point of order.

Mr. McCombs moved the previous question on the pending amendment, and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—46.

Bradley.	Enderby.
Brooks.	Ewing.
Cox of Limestone.	Eickenroht.
Davis.	Gilbert.
Dunlap.	Graves of Erath.
Duvall.	Hardy.

Harrison.	Savage.
Heaton.	Shelton.
Hubbard.	Simmons.
Keller.	Smith.
Kemble.	Snelgrove.
Kincaid.	Speck.
Land.	Storey.
Lemens.	Thurmond.
McCombs.	Van Zandt.
McGill.	Veatch.
Morse.	Walters.
Mullally.	Warwick.
Negley.	Wiggs.
Patterson.	Williams
Petsch.	of Sabine.
Prendergast.	Williams
Renfro.	of Travis.
Sanders.	Woodall.

Nays—58.

Ackerman.	Lee.
Adkins.	Long of Houston.
Albritton.	Long of Wichita.
Baker.	Loy.
Bateman.	Mankin.
Bond.	Martin.
Bounds.	McDonald.
Brice.	Mehl.
Carpenter.	Moore.
Chastain.	Olsen.
Coltrin.	O'Neill.
Cox of Lamar.	Pavlica.
DeWolfe.	Pope of Jones.
Finn.	Pope of Nueces.
Finlay.	Purl.
Forbes.	Ray.
Fuchs.	Reader.
Gerron.	Reid.
Giles.	Richardson.
Graves	Rountree.
of Williamson.	Shaver.
Harman.	Sherrill.
Harper.	Stevenson.
Hefley.	Strong.
Hogg.	Tarwater.
Hopkins.	Waddell.
Johnson	Webb.
of Dimmit.	Westbrook.
Justiss.	White.
Keeton.	Williams
Kennedy.	of Hardin.
Kinnear.	Woodruff.

Present—Not Voting.

Anderson.	Kayton.
Baldwin.	Mauritz.
Cox of Navarro.	Thompson.
Hines.	

Absent.

Avis.	Holder.
Barnett.	Jenkins.
Beck.	Johnson of Smith.
Conway.	Johnson of Scurry.
Gates.	Jones.
Harding.	King.

Maynard.	Pool.
McKean.	Quinn.
Metcalfe.	Shipman.
Minor.	Sinks.
Montgomery.	Stephens.
Mosely.	Tillotson.
Murphy.	Turner.
Nicholson.	Wallace.
Palmer.	Young.

Absent—Excused.

Acker.	Kenyon.
Hornaday.	Rogers.

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

Senate bill No. 174 then failed to pass to third reading by the following vote:

Yeas—14.

Bounds.	Pool.
Cox of Limestone.	Pope of Jones.
Fuchs.	Sanders.
Graves of Erath.	Shelton.
Keeton.	White.
Lemens.	Williams
Martin.	of Sabine.
Maynard.	

Nays—76.

Ackerman.	Hogg.
Adkins.	Johnson
Albritton.	of Dimmit.
Baker.	Jones.
Bateman.	Justiss.
Bond.	Keller.
Bradley.	Kemble.
Brice.	Kincaid.
Brooks.	Kinnear.
Carpenter.	Land.
Chastain.	Long of Houston.
Coltrin.	Long of Wichita.
Conway.	Loy.
Cox of Lamar.	Mankin.
Davis.	McCombs.
DeWolfe.	McDonald.
Duvall.	McGill.
Enderby.	Mehl.
Eickenroht.	Moore.
Finn.	Morse.
Finlay.	Mullally.
Forbes.	Olsen.
Gerron.	O'Neill.
Gilbert.	Palmer.
Giles.	Patterson.
Graves	Pavlica.
of Williamson.	Petsch.
Hardy.	Prendergast.
Harding.	Ray.
Harper.	Reader.
Harrison.	Reid.
Heaton.	Renfro.
Hefley.	Richardson.
Hines.	Rountree.

Savage.	Van Zandt.
Sherrill.	Veatch.
Simmons.	Waddell.
Sinks.	Walters.
Smith.	Webb.
Snelgrove.	Westbrook.
Stevenson.	Williams
Strong.	of Travis.
Tarwater.	Woodall.
Thurmond.	Woodruff.

Present—Not Voting.

Anderson.	Purl.
Baldwin.	Shaver.
Dunlap.	Speck.
Hubbard.	Storey.
Jenkins.	Thompson.
Johnson of Scurry.	Turner.
Kayton.	Wiggs.
Lee.	Williams
Mauritz.	of Hardin.
Murphy.	

Absent.

Avis.	Metcalfe.
Barnett.	Minor.
Beck.	Montgomery.
Cox of Navarro.	Mosely.
Ewing.	Negley.
Gates.	Nicholson.
Harman.	Pope of Nueces.
Holder.	Quinn.
Hopkins.	Shipman.
Johnson of Smith.	Stephens.
Kennedy.	Tillotson.
King.	Warwick.
McKean.	Young.

Absent—Excused.

Acker.	Rogers.
Hornaday.	Wallace.
Kenyon.	

Mr. Palmer moved to reconsider the vote by which the bill failed to pass to third reading, and to table the motion to reconsider.

The motion to table prevailed.
(Speaker in the chair.)

HOUSE BILL NO. 48 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 48, A bill to be entitled "An Act to amend subdivision 3, of Article 3926, Revised Statutes, 1925, relating to the payment of salary to the county judge by the commissioners court for presiding over said court, ordering elections, making returns thereof, hearing and determining civil causes, and transacting all other official business, by providing that in counties having

\$290,000,000 assessed valuation or more, and which have established therein institutions for the care of dependent and delinquent boys and girls, the county judge shall receive the further sum of \$3000 per annum, which shall be ex-officio and not to be accounted for as fees of office; but in addition to all amounts allowed under the maximum fee bill; and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 189 ON SECOND READING.

On motion of Mr. Kemble, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 189, A bill to be entitled "An Act amending Article 387 of the Revised Civil Statutes of 1925, so as to increase the maximum number of directors a bank or bank and trust company having a capital stock of \$500,000 or more may have."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 189 ON THIRD READING.

Mr. Kemble moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 189 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127.

Mr. Speaker.	Enderby.
Ackerman.	Ewing.
Adkins.	Eickenroht.
Albritton.	Finn.
Anderson.	Finlay.
Avis.	Forbes.
Baker.	Fuchs.
Baldwin.	Gerron.
Barnett.	Gilbert.
Bateman.	Giles.
Bond.	Graves
Bounds.	of Williamson.
Bradley.	Graves of Erath.
Brice.	Hardy.
Brooks.	Harding.
Chastain.	Harman.
Coltrin.	Harper.
Cox of Navarro.	Heaton.
Cox of Lamar.	Hefley.
Cox of Limestone.	Hines.
Davis.	Hogg.
DeWolfe.	Holder.

Hopkins.	Pope of Jones.
Jenkins.	Pope of Nueces.
Johnson	Prendergast.
of Dimmit.	Purl.
Johnson of Smith.	Quinn.
Johnson of Scurry.	Ray.
Jones.	Reader.
Justiss.	Reid.
Kayton.	Renfro.
Keeton.	Richardson.
Keller.	Rountree.
Kemble.	Sanders.
Kennedy.	Savage.
Kincaid.	Shaver.
King.	Shelton.
Kinnear.	Sherrill.
Land.	Shipman.
Lee.	Sinks.
Lemens.	Smith.
Long of Wichita.	Snelgrove.
Mankin.	Speck.
Martin.	Stevenson.
Mauritz.	Storey.
Maynard.	Strong.
McCombs.	Tarwater.
McDonald.	Thompson.
McGill.	Thurmond.
Mehl.	Tillotson.
Metcalf.	Turner.
Montgomery.	Van Zandt.
Moore.	Veatch.
Morse.	Waddell.
Mullally.	Walters.
Murphy.	Warwick.
Negley.	Webb.
Olsen.	White.
O'Neill.	Wiggs.
Palmer.	Williams
Patterson.	of Sabine.
Pavlica.	Woodall.
Petsch.	Woodruff.
Pool.	Young.

Present—Not Voting.

Harrison.

Absent.

Beck.	Minor.
Carpenter.	Mosely.
Conway.	Nicholson.
Dunlap.	Simmons.
Duvall.	Stephens.
Gates.	Westbrook.
Hubbard.	Williams
Long of Houston.	of Hardin.
Loy.	Williams
McKean.	of Travis.

Absent—Excused.

Acker.	Rogers.
Hornaday.	Wallace.
Kenyon.	

The Speaker then laid House bill No. 189 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—123.

Mr. Speaker.	Mankin.
Ackerman.	Martin.
Adkins.	Mauritz.
Albritton.	Maynard.
Anderson.	McCombs.
Baker.	McDonald.
Baldwin.	McGill.
Bateman.	Mehl.
Bond.	Metcalfe.
Bounds.	Montgomery.
Bradley.	Moore.
Brooks.	Morse.
Chastain.	Mullally.
Coltrin.	Murphy.
Conway.	Negley.
Cox of Navarro.	O'Neill.
Cox of Lamar.	Patterson.
Cox of Limestone.	Pavlica.
Davis.	Petsch.
DeWolfe.	Pope of Jones.
Dunlap.	Pope of Nueces.
Enderby.	Prendergast.
Ewing.	Purl.
Eickenroht.	Quinn.
Finn.	Ray.
Finlay.	Reader.
Forbes.	Reid.
Fuchs.	Renfro.
Gerron.	Richardson.
Gilbert.	Rountree.
Giles.	Sanders.
Graves	Savage.
of Williamson.	Shaver.
Graves of Erath.	Shelton.
Hardy.	Shipman.
Harding.	Simmons.
Harman.	Sinks.
Harper.	Smith.
Heaton.	Snelgrove.
Hefley.	Speck.
Hines.	Stephens.
Hogg.	Stevenson.
Holder.	Storey.
Hopkins.	Strong.
Johnson	Tarwater.
of Dimmit.	Thompson.
Johnson of Smith.	Thurmond.
Johnson of Scurry.	Tillotson.
Jones.	Turner.
Justiss.	Van Zandt.
Kayton.	Veatch.
Keeton.	Waddell.
Keller.	Walters.
Kemble.	Warwick.
Kennedy.	Webb.
Kincaid.	White.
King.	Wiggs.
Kinnear.	Williams
Land.	of Sabine.
Lee.	Woodall.
Lemens.	Woodruff.
Long of Wichita.	Young.
Loy.	

Nays—1.

Brice.

Present—Not Voting.

Barnett.
Harrison.

Sherrill.

Absent.

Avis.	Nicholson.
Beck.	Olsen.
Carpenter.	Palmer.
Duvall.	Pool.
Gates.	Wallace.
Hubbard.	Westbrook.
Jenkins.	Williams
Long of Houston.	of Hardin.
McKean.	Williams
Minor.	of Travis.
Mosely.	

Absent—Excused.

Acker.	Kenyon.
Hornaday.	Rogers.

HOUSE BILL NO. 12 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 12, A bill to be entitled "An Act to amend Article 7125 of the Revised Civil Statutes of 1925, so as to exempt estates upon which inheritance taxes have been levied within five years from date of second passage of said estates, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 12 ON THIRD READING.

Mr. Hopkins moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118.

Mr. Speaker.	Carpenter.
Ackerman.	Chastain.
Adkins.	Coltrin.
Albritton.	Conway.
Anderson.	Cox of Navarro.
Baker.	Cox of Lamar.
Baldwin.	Cox of Limestone.
Barnett.	Davis.
Bond.	Enderby.
Bounds.	Ewing.
Bradley.	Eickenroht.
Brice.	Finn.
Brooks.	Finlay.

Forbes.	Murphy.
Fuchs.	O'Neill.
Gerron.	Patterson.
Gilbert.	Pavlica.
Giles.	Petsch.
Graves	Pope of Jones.
of Williamson.	Pope of Nueces.
Graves of Erath.	Prendergast.
Hardy.	Purl.
Harding.	Quinn.
Harman.	Ray.
Harper.	Reader.
Harrison.	Reid.
Heaton.	Renfro.
Hefley.	Richardson.
Hines.	Rountree.
Hogg.	Sanders.
Holder.	Savage.
Hopkins.	Shaver.
Johnson	Shelton.
of Dimmit.	Sherrill.
Johnson of Smith.	Shipman.
Johnson of Scurry.	Simmons.
Jones.	Sinks.
Justiss.	Smith.
Kayton.	Snelgrove.
Keeton.	Speck.
Keller.	Stephens.
Kemble.	Stevenson.
Kennedy.	Strong.
Kincaid.	Tarwater.
Kinnear.	Thompson.
Land.	Thurmond.
Lee.	Turner.
Lemens.	Van Zandt.
Long of Wichita.	Veatch.
Loy.	Waddell.
Mankin.	Walters.
Martin.	Warwick.
Mauritz.	Webb.
Maynard.	White.
McCombs.	Wiggs.
McDonald.	Williams
McGill.	of Sabine.
Mehl.	Woodall.
Metcalfe.	Woodruff.
Montgomery.	Young.
Mullally.	

Absent.

Avis.	Morse.
Bateman.	Mosely.
Beck.	Negley.
DeWolfe.	Nicholson.
Dunlap.	Olsen.
Duvall.	Palmer.
Gates.	Pool.
Hubbard.	Storey.
Jenkins.	Tillotson.
King.	Westbrook.
Long of Houston.	Williams
McKean.	of Hardin.
Minor.	Williams
Moore.	of Travis.

Absent—Excused.

Acker.	Rogers.
Hornaday.	Wallace.
Kenyon.	

The Speaker then laid House bill No. 12 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—119.

Mr. Speaker.	Keller.
Ackerman.	Kemble.
Adkins.	Kennedy.
Albritton.	Kincaid.
Anderson.	King.
Baker.	Kinnear.
Baldwin.	Land.
Barnett.	Lemens.
Bond.	Long of Wichita.
Bounds.	Loy.
Bradley.	Mankin.
Brice.	Martin.
Brooks.	Mauritz.
Carpenter.	Maynard.
Chastain.	McCombs.
Coltrin.	McDonald.
Cox of Navarro.	McGill.
Cox of Lamar.	Mehl.
Cox of Limestone.	Metcalfe.
Davis.	Montgomery.
DeWolfe.	Mullally.
Enderby.	Murphy.
Ewing.	Negley.
Eickenroht.	Palmer.
Finn.	Patterson.
Forbes.	Pavlica.
Fuchs.	Petsch.
Gerron.	Pool.
Gilbert.	Pope of Jones.
Giles.	Pope of Nueces.
Graves	Prendergast.
of Williamson.	Quinn.
Graves of Erath.	Ray.
Hardy.	Reader.
Harding.	Reid.
Harman.	Renfro.
Harper.	Richardson.
Harrison.	Rountree.
Heaton.	Sanders.
Hines.	Savage.
Hogg.	Shaver.
Holder.	Shelton.
Hopkins.	Shipman.
Johnson of Smith.	Simmons.
Johnson	Sinks.
of Dimmit.	Smith.
Johnson of Scurry.	Snelgrove.
Jones.	Speck.
Justiss.	Stephens.
Kayton.	Stevenson.
Keeton.	Strong.

Tarwater.	Webb.
Thompson.	Westbrook.
Thurmond.	White.
Tillotson.	Wiggs.
Turner.	Williams
Van Zandt.	of Sabine.
Veatch.	Williams
Waddell.	of Hardin.
Walters.	Woodall.
Warwick.	Woodruff.

Nays—2.

Jenkins.	Sherrill.
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Absent.

Avis.	Minor.
Bateman.	Moore.
Beck.	Morse.
Conway.	Mosely.
Dunlap.	Nicholson.
Duvall.	Olsen.
Finlay.	O'Neill.
Gates.	Purl.
Hefley.	Storey.
Hubbard.	Williams
Lee.	of Travis.
Long of Houston.	Young.
McKean.	

Absent—Excused.

Acker.	Rogers.
Hornaday.	Wallace.
Kenyon.	

HOUSE BILL NO. 55 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 55, A bill to be entitled "An Act providing that liens for street improvements created by written contract of the owner or owners of land, or any interest therein, shall be superior liens upon such improvements, and providing for the enforcement thereof, providing incidental matters, and declaring an emergency."

The bill was read second time.

Mr. Pope of Nueces offered the following amendment to the bill:

Amend House bill No. 55 by adding, after the word "land" in line 20, page 1, the following: "only to the amount and to the extent of the increased value of such property by virtue of street improvement."

The amendment was adopted.

House bill No. 55 then failed to pass to engrossment.

HOUSE BILL NO. 48 ON FINAL PASSAGE.

Mr. Morse moved to reconsider the vote by which House bill No. 48 was finally passed.

The motion to reconsider prevailed.

House bill No. 48 was then finally passed by the following vote:

Yeas—95.

Mr. Speaker.	McCombs.
Adkins.	McDonald.
Anderson.	McGill.
Baker.	Mehl.
Baldwin.	Metcalfe.
Bateman.	Minor.
Bradley.	Moore.
Chastain.	Morse.
Coltrin.	Mullally.
Conway.	Murphy.
Cox of Lamar.	Negley.
Cox of Limestone.	Nicholson.
Duvall.	Olsen.
Enderby.	O'Neill.
Ewing.	Palmer.
Finn.	Patterson.
Forbes.	Pavlica.
Fuchs.	Petsch.
Gerron.	Pope of Jones.
Giles.	Pope of Nueces.
Graves	Prendergast.
of Williamson.	Reader.
Hardy.	Reid.
Harding.	Rountree.
Harman.	Sanders.
Harper.	Savage.
Harrison.	Shaver.
Heaton.	Shipman.
Hefley.	Sinks.
Hines.	Smith.
Hogg.	Snelgrove.
Holder.	Stevenson.
Hopkins.	Strong.
Johnson	Tarwater.
of Dimmit.	Thompson.
Johnson of Smith.	Thurmond.
Johnson of Scurry.	Van Zandt.
Jones.	Veatch.
Kayton.	Waddell.
Keller.	Wallace.
Kemble.	Walters.
Kincaid.	Warwick.
Kinnear.	Westbrook.
Land.	White.
Lemens.	Williams
Long of Wichita.	of Hardin.
Loy.	Williams
Mankin.	of Travis.
Martin.	Woodall.
Maynard.	Woodruff.

Nays—14.

Ackerman.	Bond.
Avis.	Bounds.

Brice.	Renfro.
Brooks.	Sherrill.
Davis.	Simmons.
Jenkins.	Speck.
Justiss.	Stephens.
Kennedy.	Storey.
Quinn.	Wiggs.

Present—Not Voting.

DeWolfe.	Purl.
Mauritz.	Turner.

Absent.

Albritton.	Lee.
Barnett.	Long of Houston.
Beck.	McKean.
Carpenter.	Montgomery.
Cox of Navarro.	Mosely.
Dunlap.	Pool.
Eickenroht.	Ray.
Finlay.	Richardson.
Gates.	Shelton.
Gilbert.	Tillotson.
Graves of Erath.	Webb.
Hubbard.	Williams
Keeton.	of Sabine.
King.	Young.

Absent—Excused.

Acker.	Kenyon.
Hornaday.	Rogers.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. Smith:

H. B. No. 418, A bill to be entitled "An Act repealing Sections 3 to 28, inclusive, of Article 6701 of the Revised Civil Statutes of 1925."

Referred to Committee on Highways and Motor Traffic.

By Mr. Cox, Mr. Graves of Erath, Mr. Martin, Mr. White, Mr. Anderson, Mr. Hogg, Mr. Eickenroht, Mr. Justiss, Mr. Morse, Mr. Sherrill, Mr. Westbrook, Mr. Harper, Mr. Nicholson, Mr. Kemble, Mr. McGill, Mr. Shipman, Mr. Reid, Mr. Hopkins, Mr. Geron, Mr. Metcalfe, Mr. Finn and Mr. Thompson:

H. B. No. 419, A bill to be entitled "An Act setting forth the policy of the State to use the funds derived from the lease and sale of the American Legion Memorial Sanatorium of Texas in building memorial armories for the Texas National Guard as a monument to the war dead of the State; appropriating

\$250,000 per year for the next two fiscal years to build memorial armories."

Referred to Committee on Appropriations.

By Mr. Harding:

H. B. No. 420, A bill to be entitled "An Act amending Sections 1, 2 and 3, of Chapter 251, being Senate bill No. 320, passed at the Regular Session of the Fortieth Legislature, all relating to the labeling and sale of prison-made goods, providing a penalty."

Referred to Committee on Criminal Jurisprudence.

By Mr. Johnson of Dimmit:

H. B. No. 421, A bill to be entitled "An Act providing a ten-year period of limitation for the bringing of suit to recover land based upon certain defects in any instrument, where such instrument which has been or hereafter may be of record for ten years or more."

Referred to Judiciary Committee.

By Mr. Holder:

H. B. No. 422, A bill to be entitled "An Act relating to and regulating the furnishing of free text books for the public free schools of this State; amending Sections 30, 31, 33, 34, 39 and 40, and repealing Section 41, of Chapter 176, of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State."

Referred to Committee on Education.

By Mr. Storey:

H. B. No. 423, A bill to be entitled "An Act to amend Article 5341, Chapter 4, Title 86, of the Revised Civil Statutes of Texas, 1925, by providing that the Commissioner of the General Land Office, after the filing of any application by anyone desiring to obtain the right to prospect for and develop oil and natural gas that may be in any surveyed or unsurveyed areas, as provided in Articles 5339 and 5340, Chapter 4, Title 86, of the Revised Civil Statutes of Texas, 1925, shall first make such examination as he shall deem necessary to determine whether or not the area applied for falls within the provisions of this law."

Referred to Committee on Public Lands and Buildings.

By Mr. Storey:

H. B. No. 424, A bill to be entitled "An Act to give any person, association or corporation in the actual possession of any unsold school or asylum lands

in this State, or any part thereof, or within whose enclosures any such lands may be situated, or upon which he or they shall have constructed or made any valuable improvement, claiming the fee ownership thereof in good faith under a grant or sale from the State, or in good faith claiming the same to be a part of the surveyed land of any such funds owned in fee by him or them, or as being excess lands in any surveyed lands of the State owned in fee by him or them, or otherwise, a preference or prior right to purchase the same under any laws in force at the time of such purchase."

Referred to Committee on Public Lands and Buildings.

By Mr. Storey and Mr. Stevenson:

H. B. No. 425, A bill to be entitled "An Act to amend Article 5420, Chapter 7, Title 86, of the Revised Civil Statutes of Texas, 1925, relating to the venue of all suits instituted by the Attorney General for the recovery of any public lands for and on behalf of the State as against any defendant in actual possession of such land, claiming the same under a grant or sale from the State."

Referred to Committee on Public Lands and Buildings.

By Mr. White and Mr. Cox of Navarro:

H. B. No. 426, A bill to be entitled "An Act to amend Sections 3, 4, 7, 20 and 21, of Chapter 41, of the General and Special Laws passed by the Fortieth Legislature at its First Called Session; said amendments placing the responsibility of the registration of birth and death certificates on the justice of the peace and the city clerk in incorporated cities and towns; providing where local officials cannot act as registrar; that appointments must be confirmed by city and county authorities; providing that where deceased be an ex-service person of any war of the United States of America that certain facts be given on reverse side of death certificate."

Referred to Committee on Public Health.

By Mr. Holder:

H. B. No. 427, A bill to be entitled "An Act to provide for the appointment of a cotton root rot commission, who shall serve without pay; providing for the receiving of donations, the promulgation of rules and the awarding of

suitable prizes for the discovery of a practical prevention for cotton root rot."

Referred to Committee on Agriculture.

By Mr. McGill, Mr. Harrison and Mr. Pool:

H. B. No. 428, A bill to be entitled "An Act appropriating the sum of \$25,000, or so much thereof as may be necessary, for the compensation and expenses of the commissioner appointed by the Supreme Court of the United States under the decree of that court based upon its opinions of December 5, 1927, and April 9, 1928, in Cause No. 2 Original in Equity, October Term, 1927, styled State of New Mexico, Complainant, vs. State of Texas, to locate and mark upon the ground the boundary line between the State of Texas and the State of New Mexico under the judgment of said court."

Referred to Committee on Appropriations.

By Mr. King, Mr. Stephens and Mr. Barnett:

H. B. No. 429, A bill to be entitled "An Act amending Article 6691 of the Revised Civil Statutes of Texas, by providing that the funds derived from the registration of motor vehicles and apportioned to the counties of this State may be paid by the commissioners court of each county to the State Highway Commission for construction of connecting sections or gaps in a designated State highway within said county."

Referred to Committee on Highways and Motor Traffic.

By Mr. King, Mr. Stephens and Mr. Barnett:

H. B. No. 430, A bill to be entitled "An Act to amend Article 6674f of the Revised Civil Statutes of Texas, 1925, so as to provide that the reimbursement of State highway funds for improvement of State highways made with county aid may be made by the county wherein such improvement was made from the county's portion of fees derived from the registration of motor vehicles in annual installments."

Referred to Committee on Highways and Motor Traffic.

By Mr. Lee, Mr. Finlay, Mr. Barnett and Mr. Cox of Lamar:

H. B. No. 431, A bill to be entitled "An Act providing that where parties to a controversy involving a sum less than \$20 desire, they may, by agree-

ment, in writing, submit the controversy to any justice of the peace of the county where other party to the controversy may reside; providing that it shall be the duty of the justice of the peace to arbitrate such controversy."

Referred to Judiciary Committee.

By Mr. Lee, Mr. Finlay, Mr. Barnett and Mr. Cox of Lamar:

H. B. No. 432. A bill to be entitled "An Act providing that for the performance of all services of a justice of the peace required of him by law, he shall receive an annual salary of not less than one hundred and twenty dollars nor more than twenty-four hundred dollars, to be determined by the commissioners court of his county and paid in monthly payments out of the county treasury; proving that such salary shall be in lieu of all fees provided by law."

Referred to Judiciary Committee.

By Mr. Tillotson, Mr. Waddell, Mr. Thompson and Mr. Carpenter:

H. B. No. 433. A bill to be entitled "An Act to empower the Texas Prison Board to formulate a policy for the operation of the prison system and for its centralization and reorganization; providing for authority to the board to make such sales of prison system lands in furtherance of a plan of centralization of the system and with authority to effect exchange of prison system lands for other lands suitable to the purpose of centralization of the system."

Referred to Committee on Penitentiaries.

By Mr. Storey et al.:

H. B. No. 434. A bill to be entitled "An Act to confirm and validate all patents and awards issued on lands lying across or partly across or abutting on water courses or navigable streams or the beds or abandoned beds thereof, or parts thereof, and to relinquish, quitclaim and grant to patentees and awardees and their assigns all of such lands, and minerals therein contained, across or abutting on water courses or navigable streams, and also the beds or abandoned beds thereof, and minerals therein contained, wherein such patents or awards have been issued and outstanding for a period of five years from the date thereof and have not been cancelled or forfeited."

Referred to Committee on Public Lands and Buildings.

By Mr. Storey et al.:

H. B. No. 435. A bill to be entitled "An Act to amend Article 5302 of the Revised Civil Statutes of 1925, by adding thereto Article 5302a, providing that wherever the line or lines of any survey of land heretofore made across a stream, or part thereof, and the lands or any part thereof covered by such survey lie within such streams or part thereof, and awards or patents to such surveys shall have been issued and outstanding for a period of five years from the date thereof, and have not been cancelled or forfeited, the acts and decisions of the officers of this State in the issuance of such awards or patents shall be final and conclusive evidence that such surveys have been made in accordance with Section 5302 of the Revised Civil Statutes of 1925 and all prior enactments thereof."

Referred to Committee on Public Lands and Buildings.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate bill No. 187, to the Committee on Appropriations.

Senate bill No. 264, to the Committee on Appropriations.

Senate bill No. 83, to the Committee on Game and Fisheries.

Senate bill No. 238, to the Committee on Appropriations.

Senate bill No. 181, to the Committee on Public Health.

Senate bill No. 126, to the Committee on Public Health.

Senate bill No. 110, to the Judiciary Committee.

Senate bill No. 75, to the Committee on State Affairs.

CONFERENCE COMMITTEE ON SENATE BILL NO. 60.

Mr. Young called up from the Speaker's table, for consideration at this time, the request of the Senate for a free conference committee on Senate bill No. 60.

The Speaker laid the request of the Senate before the House.

Question—Shall the request be granted?

Mr. Young moved that the request be granted.

The motion prevailed.

In accordance with the above action,

the Speaker announced the appointment of the following committee:

Mrs. Moore, Messrs. Stevenson, Giles, Hogg and Webb.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 24, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

S. B. No. 83, A bill to be entitled "An Act abolishing the office of Game, Fish and Oyster Commissioner and creating the Game, Fish and Oyster Commission; vesting all of the authority, powers and functions of said Commissioner in the Game, Fish and Oyster Commission created and provided for in this act; providing for the appointment, compensation, bond, duties and functions of said Game, Fish and Oyster Commission; providing for an executive secretary, assistant executive secretary, to be appointed by the Commission, and providing for all necessary game and fish wardens, division heads and other employees of said Game, Fish and Oyster Commission; changing the laws of the State of Texas in such respects as shall be necessary in order to carry out the purposes of this act; enacting the necessary matters and things incidental to the purpose and subject of this act; making the necessary appropriation out of the State Treasury; providing when this act shall take effect, declaring the rule of construction, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 181, A bill to be entitled "An Act requiring the labeling of mattresses and pillows sold, offered for sale, delivered, consigned or possessed with intent to sell; providing for the revenue for enforcing this act; providing for the machinery for its enforcement; enacting necessary provisions incident thereto, making appropriations; and declaring an emergency."

S. B. No. 126, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners and the secretary-treasurer thereof, in respect to the collection and

expenditure of funds raised from the collection of such fees, and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, as defined in Article 4510, Revised Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, on or before the first day of January, 1930, and thereafter to annually register as such practitioners, requiring in connection with such annual registration a fee of \$2, such payment to be made as prescribed in the act; and further providing that, upon receipt of the annual payment of such registration fee, the secretary-treasurer of the Texas State Board of Medical Examiners, after ascertaining from the records of the board and from other reliable sources that the applicant is a licensed practitioner, shall issue to the applicant an annual registration certificate, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question; and providing that such registration and the payment of such fee shall not entitle the holder of such certificate to practice medicine within the State of Texas unless he has been previously duly licensed as such practitioner by the Texas State Board of Medical Examiners, and prescribing the effect of such certificate as evidence in a prosecution for the unlawful practice of medicine; and further prescribing a penalty for failure to pay such annual registration fee; and further providing that a fund realized from the collection of such annual registration fee shall constitute a special fund, and defining the purposes for which said fund may be expended, and conferring certain powers and duties upon the Texas State Board of Medical Examiners; conferring certain powers and imposing certain duties upon the secretary-treasurer of the Texas State Board of Medical Examiners, and prescribing his salary for the performance of the duties imposed upon him by this act; and declaring an emergency."

S. B. No. 264, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the several institutions and departments of the State government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

S. B. No. 238, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several in-

stitutions and departments of the State government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

S. B. No. 187, A bill to be entitled "An Act to appropriate the sum of \$25,000 to co-operate with the Department of the Interior of the United States government to investigate reservoir sites and reservoir conditions on the Pecos River, authorizing the Governor to draw upon such funds, and regulating the expenditure thereof, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

ADJOURNMENT.

On motion of Mr. Smith, the House, at 12:45 o'clock p. m., adjourned until 9:30 o'clock a. m. Friday, January 25, 1929.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

State Affairs: House bill No. 8.
 Appropriations: House bill No. 249.
 Judicial Districts: House bill No. 127.
 Education: House bills Nos. 253 and 22.
 Judiciary: House bills Nos. 56, 156, 222, 348 and 155.
 Agriculture: House bills Nos. 343, 16, 173 and 114.
 Criminal Jurisprudence: House bills Nos. 363 and 26.

The following committees have today filed adverse reports on bills, as follows:

State Affairs: House bills Nos. 2, 78, 65 and 82.
 Criminal Jurisprudence: House bills Nos. 90, 220, 200 and 283.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, January 22, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 48, A bill to be entitled "An Act to amend subdivision 3, of

Article 3926, Revised Statutes, 1925, relating to the payment of salary to the county judge by the commissioners court for presiding over said court, ordering elections, making returns thereof, hearing and determining civil causes, and transacting all other official business, by providing that in counties having \$290,000.000 assessed valuation or more and which have established therein institutions for the care of dependent and delinquent boys and girls, the county judge shall receive the further sum of \$3000 per annum, which shall be ex-officio and not to be accounted for as fees of office, but in addition to all amounts allowed under the maximum fee bill; and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, January 24, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 162, A bill to be entitled "An Act to amend Articles 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink bollworms that may be declared to be a menace; providing the conditions under which the pink bollworms may be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3, of Title 4, of the Revised Civil Statutes of 1925,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

THIRTEENTH DAY.

(Friday, January 25, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Bateman.
Ackerman.	Beck.
Adkins.	Bond.
Albritton.	Bounds.
Anderson.	Bradley.
Avis.	Brice.
Baker.	Brooks.
Baldwin.	Carpenter.
Barnett.	Chastain.